IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5417 OF 2004

Lokmanya Vidya Mandir Trust ... Petitioner

Vs.

Brihanmumbai Mahanagar Palika & Ors. Respondents

Mr. R.L. Nerlekar for Petitioner.
Mr. D.B. Sawant for R. No. 3.
Mr. A.J. Bhor for R. No. 1.
Mr. A.P. Vanarse, A.G.P. for R. No. 2.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 25, 2005

P.C.

. Rule. Heard forthwith.

. On behalf of the Respondent Corporation, their learned counsel makes a statement that the plot NO. 249A has been proposed to be allotted to the petitioner herein. It only requires sanction of the Improvement Committee of the Corporation. After the decision if in favour of hte Petitioner it would be allotted to the petitioners herein.

. Earlier the plot was one been No. 249. It was allotted initially to the petitioners. That was cancelled and consequently the plot was divided into two plots being Plot No. 249A and 249B. Plot No. 249B has been allotted to Respondent No. 3. The Plot No. 249A has not been allotted and that is how the petitioners approached this court. Their school is in the vicinity of Plot No. 249A. We really see no reason as to why plot should not

be allotted. However, matter is before the Improvement Committee of the Corporation, and as such we do not propose at this stage to pass any direction. Considering that the proposal has been forwarded, ends of justice will be met if the petition is disposed of with the following directions :

(1) The Improvement Commitee of the Corporation to consider proposal for allotment of plot No. 249A to the Petitioners within the period of four weeks from today.

(2) Till such time status quo both in respect of Plot No. 249A and 249B will continue and for the further period of eight weeks from the date of communication if the order be adverse to the petitioners.

(3) If the allotment is made in favour of the Petitioners, then status quo will stand automatically vacated. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)